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May 4, 1970

(C)

Mr. Joseph F. Cullman, III, Chairman
Executive Committee
The Tobacco Institute
Philip Morris Inc.
100 Park Avenue
New York City, New York 10017

Dear Mr. Cullman:

The Tobacco Institute ad contained in Sunday's New York Times was read with interest.

Personally I have not smoked cigarettes for seven years, and believe that there is substance to the claim by the American Cancer Society that there is a causal connection between cigarette smoking and lung cancer. I have been a regular contributor to the Cancer Society. However, my lawyer's sense of objectivity and fair play makes me ask some questions.

You condemn the Cancer Society for the publicity given on February 5 and yet you give battle at the same level by your ad in the Times.

If you sincerely believe the point you are suggesting - the possible invalidity of the test behind the Society's publicity - why don't you take the American Cancer Society to Court?

The Cancer Society's suggested remedy that you conduct your own tests is ridiculous. As you point out, it would take three and a half years, and during that time you could be put out of business while trying to prove your innocence.

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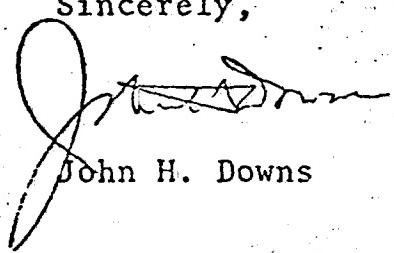
I know of no legal sanctuary that permits a non-profit corporation to conduct itself in such a manner (unless it is on sound ground) that it can effectually eliminate or at least seriously damage a substantial segment of our economy.

As you point out, its source of funds almost makes it a public trust, so to speak. As one of those most vitally affected by its work, you should be entitled to any information you want from such an organization, as should anyone else, within reason.

Your continued failure to do more than answer the Cancer Society with ads would seem to lend substance to its allegations.

By the way, are you related to Lewis Cullman, Yale 1941, a classmate of mine?

Sincerely,



John H. Downs

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cc: Mr. William B. Lewis
American Cancer Society
219 E. 42nd Street
New York, New York 10017

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